

REMARKS

This amendment is responsive to the Final Office Action of July 1, 2009. Reconsideration and allowance of **claims 1-6 and 13-17 and 19-22** are requested.

The Office Action

Claims 13 and 15-22 were rejected under 35 U.S.C. § 101.

Claims 1-3, 5-9, 11-13, and 15-17, and 20-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Malassiotis et al. (Tracking the Left Ventricular in Echocardiographic Images by Learning Heart Dynamics, IEEE Transactions on Medical Imaging, Vol. 18, No 3, 3/1999, pp. 282-290).

Claims 4 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Malassiotis et al. in view of Qian (U.S. Patent No. 5,381,791).

Claims 18 and 19 were indicated as containing allowable subject matter.

The References of Record

In **Malassiotis et al.** each image of the series is segmented. A temporal learning filtering procedure to redefines and tracks the left ventricular detected by an active contour model. A Hough transformation is used to find an initial approximation of the boundary at a first frame. An active contour model is then used for an estimation of the boundary. A PCA transform is applied to constrain the motion of the active contours that are then used to recalculate (segment) the boundary of left ventricular in subsequent slides. The information is incrementally gathered directly from the images and used to achieve further frame segmentations.

Qian discloses an a method and apparatus for automatic identification of anatomical features where a nuclear medicine image is scanned and pixels of maximum and minimum intensity are identified and correlated with each other using constraints which are empirically determined to relate to the feature of interest. The information obtained is used to define a region of interest in which an anatomical feature of interest may be located, and to position a scintillation camera detector to carry out a nuclear medicine study at optimal positions.

35 U.S.C. § 101

Claims 13 and 15-22 have been amended to address the non-statutory subject matter issue.

The Claims Are Now In Condition for Allowance

Claim 1 has been amended to incorporate the subject matter of at least one of **claims 18 and 19**, which were indicated as containing allowable subject matter. Accordingly, it is submitted that **claim 1** and **claims 2-6** are now in condition for allowance.

Claim 17 has been amended to incorporate subject matter from **claim 18**, which has been indicated as containing allowable subject matter. Additionally, **claim 17** has been amended to overcome the rejection under 35 U.S.C. 101. Accordingly, it is submitted that **claim 17, 20, and 21** are now in condition for allowance.

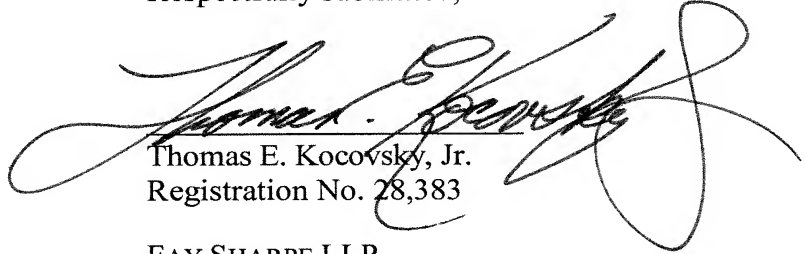
Claim 19, which was indicated as containing allowable subject matter, has been placed in independent form. Accordingly, it is submitted that **claim 19** is in condition for allowance

Claim 22 has been amended to incorporate subject matter from **claims 18 and 19** in the alternative, which were indicated as containing allowable subject matter. Additionally, **claim 22** has been amended to overcome the rejection under 35 U.S.C. 101. Accordingly, it is submitted that **claim 22** and **claims 13-16** are now in condition for allowance.

CONCLUSION

For the reasons set forth above, it is submitted that all claims are not anticipated by and distinguish patentably and unobviously over the references of record. An early allowance of all claims is requested.

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read "Thomas E. Kocovsky, Jr.", is written over the printed name and registration number.

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